

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the)	
relation of State Engineer,)	
)	
Plaintiff,)	
)	69cv07941-BB
-v-)	
)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,)	
)	
Defendants.)	
_____)	

MOTION OF SPECIAL MASTER
FOR INTERIM FEES AND EXPENSES

TO: The Honorable Bruce D. Black
United States District Judge

FROM: Vickie L. Gabin
Special Master

A Motion requesting the Court to approve interim fees and expenses, a brief summary of the work performed, and the Special Master's Declaration in support of Motion

This Motion is submitted pursuant to the Administrative Order entered February 23, 1995, regarding the manner in which the Special Master, data manager and other personnel required by the Special Master are paid for services, costs, expenses and New Mexico gross receipts taxes related to this adjudication. The Special Master hereby moves for an order of the Court approving the work performed in this case from July 1, 2009, through December 31, 2009, as described herein, and the manner by which fees and expenses have been paid from the trust account.

I. WORK PERFORMED

A. Case management

The adjudication of non-federal rights is progressing, and is nearly completed. The court's data manager continues to track all water rights information contained in newly filed consent orders for Sections 3 (Rios Cebolla, Canjilon and Las Nutrias), and Section 7 (Tierra Amarilla). I continue

to review and approve consent orders and acknowledgments, and decide motions relevant to subfile activity in these sections. I participated in a number of field trips to view acreages involved in disputed subfiles; currently, there are approximately nine disputed subfile proceedings which have been placed on a litigation track (*see* Docs. No. 9458, 9491, 9511, 9526).

There has been renewed emphasis on completing work in Section 1, the Mainstream Section, so that the Office of the State Engineer may begin to administer those water rights. To that end, I completed a pending special master report on the priorities for three mainstream acequias (December 16, 2009; Doc. No. 9546). Additionally, I entered an interim scheduling order for the adjudication of the last area of irrigated acreage in Section 1, the Vallecito and Rio del Oso areas (November 12, 2009, Doc. No. 9527). Field work is to be completed by July, 2010.

The Section 5 (Gallina) *inter se* proceedings have begun; I approved the relevant pleadings and order which guide the process (see Docs. No. 9543, 9544, 9545, December 14, 2009). In Section 7, the resolution of the state law-based claims of the Jicarilla Apache Nation is proceeding. Work on the historical reports for determining Section 7 priorities continues. Efforts to bring up to date and complete the reaches of the Rio Chama Stream System which were adjudicated in previous decades continue.

B. Federal and Indian water rights claims

The adjudication of the water rights claims of the Pueblo of Ohkay Owingeh is stayed for several reasons, most significantly because Pueblo claims in other federal adjudications are moving forward and the same attorney and court resources are dedicated to those proceedings.

The Wild and Scenic River claims matter, which was remanded to me by the Court, is governed by the July 18, 2005, Initial Scheduling and Pretrial Order for the Adjudication of Wild and

Scenic River Claims, as amended. The parties are continuing to work on reaching a proposed consent order, and I continue to examine strategies for subsequent *inter se* proceedings.

II. DECLARATION

DECLARATION OF SPECIAL MASTER IN SUPPORT OF MOTION

I, Vickie L. Gabin, declare that the work described above is the basis for this Motion, and that the work of data manager, Karla Bruner/AquaTek has been completed as described. Hourly records of work performed are available from the contractor if needed.

Dated: January 19, 2010



SPECIAL MASTER VICKIE L. GABIN